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January 22, 2009

Thomasenia P. Duncan
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: Response of John McCain 2008, Inc. and McCain-Palin 2008, Inc. in MUR 6147

Dear Ms. Duncan:

Please find enclosed an original and two copies of the response of John McCain 2008, Inc. and McCain-Palin 2008, Inc. (Joseph Schmuckler, Treasurer) to David A. Raffel's complaint in Matter Under Review 6147.

Should you have any questions concerning this response, please feel free to contact me.

Sincerely,


Trevor Potter

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OFFICE OF GENERAL
COUNSEL
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**RESPONSE OF JOHN MCCAIN 2008, INC. AND MCCAIN-PALIN 2008, INC.
(JOSEPH SCHMUCKLER, TREASURER) TO DAVID RAFFEL'S COMPLAINT
IN MATTER UNDER REVIEW 6147**

INTRODUCTION

In early November 2008, Senator John McCain paid tribute to American troops and veterans in a short statement that neither advocated his candidacy, nor referenced the 2008 general election. The tribute was only a small part of an annually held military-appreciation program that included, among other things, an Army induction ceremony and a military plane "flyover." Despite the lack of electioneering content in Senator McCain's tribute and the established, non-political nature of this event, David A. Raffel claims that John McCain 2008, Inc. and/or McCain-Palin 2008, Inc. (collectively, the "McCain Campaign") accepted a prohibited in-kind contribution. But Mr. Raffel's claim is incorrect because the Kansas City Chiefs never made an "expenditure" and because Senator McCain's tribute was not a "coordinated communication."

STATEMENT OF FACTS

The Kansas City Chiefs organization is a professional football team in the National Football League ("NFL"). The Chiefs hosted a Military Appreciation Day during their November 2, 2008 game with the Tampa Bay Buccaneers¹—the Chiefs' last home game in Kansas City before Veterans Day.² NFL teams, including the Chiefs, regularly hold programs similar to Military Appreciation Day each November.³ During Military Appreciation Day, the Chiefs offered Armed Forces members discounted tickets, organized a military plane "flyover," held an Army induction ceremony at halftime, and arranged military tributes for game attendees.⁴ One such tribute was offered by Senator McCain, a prominent Vietnam War veteran and a strong advocate of pro-military government policies during his 25 years as a federal officeholder. Although Senator McCain was a federal candidate at the time, his comments made no mention of his candidacy, his opponent, or any election. Senator McCain's tribute read as follows:

Today at Arrowhead, we are honoring the fine men and women in uniform who have served and continue to serve this country.

The sacrifice that these men and women make, allow us to enjoy unparalleled personal freedom and quality of life in the United States of America. We should honor those who are currently in harm's way defending our freedom, and the brave families that await their safe return. And to all those who have returned from overseas - welcome home.

¹ WIBW-TV, *Kansas City Chiefs to Celebrate Military Appreciation Day*, Oct. 28, 2008, available at <http://www.wibw.com/military/headlines/33468059.html>.

² Kansas City Chiefs 2008 Season Schedule, attached hereto as Exhibit 1.

³ Press Release, National Football League (2007), attached hereto as Exhibit 2.

⁴ Kansas City Chiefs Military Appreciation Day Flyer, attached hereto as Exhibit 3.

To all men and women serving in our armed forces, to their families, and to our veterans: you are the best Americans, you are the bravest among us. What you have done for us, we can never do for you. But we are mindful of that distinction, and humbled by it. And our appreciation for your service demands us all to do what we can, in less trying and less costly circumstances, to help keep this nation a place and an idea worthy of the hardships, danger and sacrifices you have born so valiantly for us.

Thank you.⁵

Senator McCain could not appear personally at Military Appreciation Day, so the tribute was pre-recorded and shown on the scoreboard at Arrowhead Stadium (the Chiefs' home field), which, among other things, displays in-game entertainment, shows statistics, and replays football action for game attendees.⁶ Senator McCain's participation in Military Appreciation Day was thus ceremonial and non-political in nature and was limited to a recorded tribute to the men and women of the Armed Forces, from a noted war hero and senior Senator on the Senate Armed Services Committee.

Despite the fact that Senator McCain's tribute did not advocate his candidacy or reference any election, David Raffel filed a complaint with the Federal Election Commission ("Commission") on December 12, 2008 and claimed that the military tribute "amounted to an unreported in-kind contribution" from the Chiefs to the McCain Campaign.⁷ Mr. Raffel's complaint generated this Matter.

ARGUMENT

In alleging a violation, Mr. Raffel presumably refers to federal law's ban on contributions from corporations⁸ and on private contributions to publicly funded presidential candidates.⁹ But the McCain Campaign accepted no such contribution. The Chiefs did not make an "expenditure" by including Senator McCain in Military Appreciation Day activities and Senator McCain's military tribute was not a "coordinated communication."

A. The McCain Campaign Did Not Accept an In-Kind Contribution Because the Kansas City Chiefs Did Not Make an "Expenditure" by Displaying Senator McCain's Tribute to Military Personnel on Arrowhead Stadium's Scoreboard

An appearance by an individual who is a candidate does not automatically result in an in-kind contribution, as Mr. Raffel suggests.¹⁰ Federal law is careful to define the circumstances under which such appearances are regulated and subject to contribution limits and source

⁵ November 2nd Troop Tribute—Background and Script, attached hereto as Exhibit 4.

⁶ See Kansas City Chiefs Scoreboard—Arrowhead Stadium, attached hereto as Exhibit 5.

⁷ Complaint of David A. Raffel ¶ 4 (Dec. 12, 2008).

⁸ 11 C.F.R. § 114.2(d).

⁹ 11 C.F.R. § 9003.2(a)(2).

¹⁰ Complaint of David A. Raffel ¶ 4 (Dec. 12, 2008).

prohibitions. An “in-kind contribution” is an “expenditure” made “in cooperation, consultation, or concert, with, or at the request or suggestion of” a candidate, a candidate’s authorized committees, or their agents.¹¹ An “expenditure” is “anything of value” made “for the purpose of influencing any election for Federal office.”¹²

The Chiefs organization did not make an “expenditure” because it did not expend “anything of value” in order to display Senator McCain’s military tribute. “Anything of value” includes “the provision of any goods or services . . . [for] less than the usual and normal charge,” the goods’ and services’ fair market value.¹³ The Chiefs did not charge Senator McCain and/or the McCain Campaign any fee because Senator McCain’s ceremonial Military Appreciation Day appearance had no market value. Senator McCain’s tribute did not cause the Chiefs to incur any additional or incremental costs—the scoreboard would have remained on during the entire Chiefs-Buccaneers game even if Senator McCain had not appeared.¹⁴ And unlike an advertisement for goods or services, the Chiefs historically never charge any individual to pay homage to the achievements and sacrifices of servicemen and servicewomen during the annual Military Appreciation Day program.¹⁵ Because the Chiefs did not incur any incremental costs and did not forgo any revenue, the Chiefs did not expend “anything of value” to display Senator McCain’s military tribute on Arrowhead Stadium’s scoreboard and therefore did not make an “expenditure.”

Senator McCain’s military tribute was also not an “expenditure” because it was not “for the purpose of influencing” a federal election. Mr. Raffel makes much of the fact that Senator McCain offered his tribute shortly before the November 2008 general election.¹⁶ But the mere appearance of an individual who is a federal candidate does not make an activity “for the purpose of influencing” that individual’s election, even if the activity occurs shortly before an election.¹⁷ To determine whether an activity is “for the purpose of influencing” a federal election, the Commission has examined an activity’s stated purpose and the extent to which the activity’s facts and circumstances comport with the stated purpose.¹⁸ Specifically, the Commission has examined the activity’s established history, the capacity in which the candidate participated, and the presence or absence of electioneering language during the activity.¹⁹ The stated purpose of Military Appreciation Day was just as it sounds—to show appreciation for military personnel.²⁰ The facts and circumstances of Military Appreciation Day support this stated purpose. The Chiefs, along with many other NFL teams, hold an annual Military Appreciation Day during a home game in the month of November—the month that our entire nation formally celebrates its

¹¹ 2 U.S.C. § 441a(a)(7)(B)(i).

¹² 2 U.S.C. § 431(9)(A); 11 CFR § 100.111(a).

¹³ 11 C.F.R. § 100.111(e).

¹⁴ Howie Erenberg Aff. ¶ 5, attached hereto as Exhibit 6.

¹⁵ Howie Erenberg Aff. ¶ 3, attached hereto as Exhibit 6.

¹⁶ Complaint of David A. Raffel ¶¶ 2, 4, 7 (Dec. 12, 2008).

¹⁷ See Fed. Election Comm’n Adv. Op. 1996-11 (National Right to Life Conventions, Inc.); Fed. Election Comm’n, Campaign Guide for Corporations and Labor Organizations 84 (2007) (stating that an appearance as a non-candidate “may occur at any time, even shortly before an election, because the speaker is not appearing to promote his/her candidacy.”) (emphasis in original). See also Fed. Election Comm’n Adv. Ops. 2007-21 (Holt), 2006-10 (Echostar), 2003-25 (Weinzapfel).

¹⁸ Fed. Election Comm’n Adv. Ops. 1999-11 at 3; 1999-34 at 4.

¹⁹ Fed. Election Comm’n Adv. Ops. 1999-11 at 3 n.6; 1999-34 at 6.

²⁰ Kansas City Chiefs Military Appreciation Day Flyer, attached hereto as Exhibit 3.

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veterans.²¹ The Chiefs-Buccaneers game on November 2, 2008 was the Chiefs' last home game before Veterans Day.²² Senator McCain's involvement with similar, military-related activities long preceded his 2008 presidential candidacy.²³ His tribute did not reference his candidacy or the 2008 general election. It was just one part of a larger military-focused program that included an Army induction ceremony and military plane "flyover."²⁴ Military Appreciation Day's established history, Senator McCain's participation, and the absence of electioneering language all show that Senator McCain's tribute was not "for the purpose of influencing" his election.

Because the Chiefs did not expend "anything of value" or influence a federal election by displaying Senator McCain's military tribute on Arrowhead Stadium's scoreboard, the Chiefs did not make an "expenditure" and the McCain Campaign did not accept an in-kind contribution.

B. The McCain Campaign Did Not Accept a Contribution Because Senator McCain's Tribute to Armed Forces Members Was Not a "Coordinated Communication"

Senator McCain's military tribute was not a "coordinated communication" and therefore did not result in the McCain Campaign receiving an in-kind contribution. A "coordinated communication" is generally treated as an in-kind contribution.²⁵ To be a "coordinated communication" and in-kind contribution, a message must satisfy all three parts of a Commission-promulgated test—the so-called "conduct," "content," and "payment" prongs.²⁶ Senator McCain's tribute did not meet the test's "content" and "payment" prongs and therefore did not cause the McCain Campaign to accept an in-kind contribution from the Kansas City Chiefs.

1. Senator McCain's Tribute Was Not a "Coordinated Communication" Because It Did Not Meet Any "Content" Standards

A message meets the "coordinated communication" test's "content" prong if it: (1) qualifies as an "electioneering communication"; (2) constitutes a republication of campaign materials; (3) "expressly advocates the election or defeat of a clearly identified" federal candidate; or (4) amounts to a "public communication" that refers to a clearly identified presidential candidate and that is "publicly distributed or otherwise publicly disseminated" in a jurisdiction during the general-election period.²⁷

Senator McCain's tribute was not an "electioneering communication" because it was not distributed by "broadcast, cable, or satellite."²⁸ It was displayed on a scoreboard and viewed by

²¹ Press Release, National Football League (2007), attached hereto as Exhibit 2.

²² Kansas City Chiefs 2008 Season Schedule, attached hereto as Exhibit 1.

²³ Senator John McCain, Biography, U.S. Senate Website, at <http://mccain.senate.gov/public/index.cfm?FuseAction=AboutSenatorMcCain.Biography>.

²⁴ Kansas City Chiefs Military Appreciation Day Flyer, attached hereto as Exhibit 3.

²⁵ 11 C.F.R. § 109.21(b).

²⁶ 11 C.F.R. § 109.21(a).

²⁷ 11 C.F.R. § 109.21(c). The fourth standard applies to a "period of time beginning 120 days before the clearly identified candidate's primary or preference election in that jurisdiction, or nominating convention or caucus in that jurisdiction, up to and including the day of the general election"—a period that clearly includes November 2, 2008.

²⁸ 11 C.F.R. § 100.29.

game attendees within Arrowhead Stadium. In addition, no evidence indicates that the tribute "republish[ed], in whole or in part, campaign materials prepared by" the McCain Campaign.²⁹ The tribute also does not satisfy the third "content" standard because it fails to meet the definition of "expressly advocate." As the script shows, Senator McCain's military tribute did not contain any so-called "magic words" like "vote," "re-elect," "support," "defeat," or "reject"; nor could it "only be interpreted by a reasonable person as" advocating Senator McCain's election such that its "electoral portion . . . [was] suggestive of only one meaning" and such that "[r]easonable minds could not differ as to whether it encourage[d] actions" to elect Senator McCain.³⁰ Senator McCain's message was both intended and effected only as a tribute to American military personnel. He used his entire statement to pay due respect to their efforts and sacrifices.

Senator McCain's tribute did not satisfy the fourth and final "content" standard because it was not a "public communication," which is defined as:

a communication by means of any broadcast, cable, or satellite communication, newspaper, magazine, outdoor advertising facility, mass mailing, or telephone bank to the general public, or any other form of general public political advertising.³¹

Senator McCain's tribute is not a "public communication" because Arrowhead Stadium's scoreboard is not an "outdoor advertising facility." Commission guidance has consistently and narrowly interpreted this term to include only billboards and facilities highly similar to billboards.³² For example, the Commission's Office of General Counsel viewed a race-car-mounted advertisement as a "general public political advertisement" rather than an "outdoor advertising facility" even though the race car drove "outdoors" and displayed "advertising."³³ Although Arrowhead Stadium's scoreboard presumably shows advertisements, it also displays a significant amount of non-advertising content, including in-game entertainment, statistics, and replays of football game action.³⁴ The scoreboard's versatility and ability to show non-advertising content therefore make it different from a billboard or other similar "outdoor advertising facility." The seemingly broad "outdoor advertising facility" is also narrowed by the

²⁹ 11 C.F.R. § 109.21(c)(2).

³⁰ 11 C.F.R. § 100.22.

³¹ 11 C.F.R. § 100.26.

³² See, e.g., Fed. Election Comm'n, *Internet Communications*, 71 Fed. Reg. 18589, 18595 (Apr. 12, 2006) (stating that "public communication" includes billboards); Fed. Election Comm'n Adv. Op. 2007-34 at 3 (Jackson) ("Here, the billboard advertisement is a 'public communication' because it is a communication made through an 'outdoor advertising facility.'"); Fed. Election Comm'n, *Special Notices on Political Ads and Solicitations Brochure* (2006), available at <http://www.fec.gov/pages/brochures/notices.shtml>; Fed. Election Comm'n, *Record*, at 2 n.3 (Jan. 2003), available at <http://www.fec.gov/pdf/guidesup03.pdf> ("A 'public communication' means any communication by means of television, . . . radio, newspaper, magazine, billboard, mass mailing, telephone bank or any other form of general public political advertising. Communications over the Internet are not included in the definition of public communication.") (emphasis added); Fed. Election Comm'n, *BCRA Definition Background*, at http://www.fec.gov/press/bknd/bcra_definitions.shtml (using "billboard" in place of "outdoor advertising facility" in defining "public communication"). See also 11 C.F.R. §§ 100.80, 100.88, 100.89, 100.140, 100.147, 100.148, 100.149, 110.14 (excluding "billboards" from "contribution" and "expenditure" definitions).

³³ Fed. Election Comm'n, Matter Under Review 5420, First General Counsel's Report at 8 (2004) (analyzing a stock car placard under the term "general public political advertising" rather than "outdoor advertising facility").

³⁴ See Kansas City Chiefs Scoreboard—Arrowhead Stadium, attached hereto as Exhibit 5.

phrase "any other form of general public political advertising" that ends the list of "public communication" examples.³⁵

Senator McCain's tribute also does not qualify as a "form of general public political advertising" for three reasons. First, Arrowhead Stadium's scoreboard does not target the "general public." In a communication context, "general public" contemplates both a large number of potential communicatees *and* an effort to reach beyond a defined audience.³⁶ The latter point is made especially plain under the Commission's "content prong," which requires that a "public communication" be publicly "distributed" or "disseminated."³⁷ A radio broadcast reaching individuals in other locations would therefore be a "public communication" and an intercom, which is meant only to reach individuals within a defined space, would not be a "public communication." Like an intercom, Arrowhead Stadium's scoreboard reaches game attendees within the stadium's defined space. The Chiefs make no effort to distribute or disseminate the scoreboard's displays to individuals outside of the stadium, meaning that Arrowhead Stadium's scoreboard messages are not "public communications."³⁸ Second, as discussed above, Senator McCain's tribute was not "general public political advertising" because it was not "political" and only mentioned men and women of the Armed Forces without reference to Senator McCain's candidacy.³⁹ Third, Senator McCain's tribute was not "general public political advertising" because it was not "advertising." A scoreboard does not fall within the list of enumerated media in the "public communication" definition, so it "can qualify as a 'public communication' only if it is a form of advertising and therefore falls within the catch-all category of 'general public political advertising.'"⁴⁰ The "word 'advertising' connotes communication for which a payment is required."⁴¹ As mentioned, the Chiefs did not incur any additional or incremental costs to display Senator McCain's recorded tribute.⁴² The Chiefs also have never charged any individual to offer a military tribute during the annual Military Appreciation Day program.⁴³ Because Senator McCain's tribute is not a "communication for which a payment is required," it is neither an "advertisement" nor, by extension, "a form of general public political advertising."

³⁵ 11 C.F.R. § 100.26 (emphasis). See Fed. Election Comm'n, *Disclaimers, Fraudulent Solicitations, Civil Penalties, and Personal Use of Campaign Funds*, 67 Fed. Reg. 76962, 76963 (Dec. 13, 2002) ("[E]ach form of communication specifically listed in the definition of 'public communication,' as well as each form of communication listed with reference to a 'communication' in 2 U.S.C. 5 441d(a), must be a form of 'general public political advertising'").

³⁶ See Fed. Election Comm'n, *Coordinated and Independent Expenditures*, 68 Fed. Reg. 421, 430 (Jan. 3, 2003) ("The use of the term 'public communication' provides consistency within the regulations and distinguishes covered communications from, for example, private correspondence and internal communications between a corporation or labor organization and its restricted class.").

³⁷ 11 C.F.R. § 109.21(c)(4).

³⁸ Howie Erenberg Aff. ¶ 6, attached hereto as Exhibit 6.

³⁹ The Commission has already contemplated the possibility of candidate-delivered messages not being sufficiently election-related to qualify as a "coordinated communication" by promulgating the so-called "endorsement" and "charitable solicitation" exemptions. 11 C.F.R. § 109.21(g).

⁴⁰ Fed. Election Comm'n, *Internet Communications*, 71 Fed. Reg. 18589, 18594 (Apr. 12, 2006).

⁴¹ Fed. Election Comm'n, *Internet Communications*, 71 Fed. Reg. 18589, 18594 (Apr. 12, 2006).

⁴² Howie Erenberg Aff. ¶ 5, attached hereto as Exhibit 6.

⁴³ Howie Erenberg Aff. ¶ 3, attached hereto as Exhibit 6.

Senator McCain's tribute fails to satisfy any "content" prong standards. It is therefore not a "coordinated communication" or in-kind contribution under the Commission's regulations.

2. Senator McCain's Tribute Was Not a "Coordinated Communication" Because It Did Not Satisfy the "Payment" Prong

A "coordinated communication" must be "paid for, in whole or in part, by a person other than [a] candidate."⁴⁴ To reiterate a point made above, the Chiefs did not "pay" to display Senator McCain's military tribute. The Chiefs incurred no additional or incremental costs.⁴⁵ They also did not "pay" by forgoing revenues because they had never charged past high-profile individuals who paid tribute to American troops on Military Appreciation Day.⁴⁶ The Chiefs therefore did not "pa[y] for, in whole or in part," meaning that Senator McCain's military tribute was not a "coordinated communication."⁴⁷

CONCLUSION

The McCain Campaign did not accept an in-kind contribution because the Chiefs never made an "expenditure" by disbursing "anything of value" or by influencing a federal election in displaying Senator McCain's military tribute on Arrowhead Stadium's scoreboard. The McCain Campaign also did not accept an in-kind contribution because Senator McCain's military tribute did not satisfy the "content" and "payment" prongs of the Commission's "coordinated communications" test. The Commission should therefore find that no violation occurred and should dismiss this Matter.

⁴⁴ 11 C.F.R. § 109.21

⁴⁵ Howie Erenberg Aff. ¶ 5, attached hereto as Exhibit 6.

⁴⁶ Howie Erenberg Aff. ¶ 3, attached hereto as Exhibit 6.

⁴⁷ See Fed. Election Comm'n Adv. Op. 2004-14 at 4 (Davis).

Exhibit 1

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Kansas City Chiefs Schedule—2008 Season
<http://www.kcchiefs.com/schedule/>

PRESEASON

Result	Date	Opponent	Time	Network
W 24 - 20	08/07/08	at Chicago Bears	7:00 PM	KCTV5
L 17 - 27	08/16/08	Arizona Cardinals	7:00 PM	KCTV5
L 0 - 24	08/23/08	at Miami Dolphins	6:30 PM	KCTV5
W 21 - 17	08/28/08	St. Louis Rams	6:00 PM	KCTV5

REGULAR SEASON

Result	Date	Opponent	Time	Network
L 10 - 17	09/07/08	at New England Patriots	12:00 PM	CBS
L 8 - 23	09/14/08	Oakland Raiders	12:00 PM	CBS
L 14 - 38	09/21/08	at Atlanta Falcons	12:00 PM	CBS
W 33 - 19	09/28/08	Denver Broncos	12:00 PM	CBS
L 0 - 34	10/05/08	at Carolina Panthers	12:00 PM	CBS
	10/12/08	Bye		
L 10 - 34	10/19/08	Tennessee Titans	12:00 PM	CBS
L 24 - 28	10/26/08	at New York Jets	12:00 PM	CBS
L 27 - 30 (OT)	11/02/08	Tampa Bay Buccaneers	12:00 PM	FOX
L 19 - 20	11/09/08	at San Diego Chargers	3:15 PM	CBS
L 20 - 30	11/16/08	New Orleans Saints	12:00 PM	FOX*
L 31 - 54	11/23/08	Buffalo Bills	12:00 PM	CBS*
W 20 - 13	11/30/08	at Oakland Raiders	3:15 PM	CBS*
L 17 - 24	12/07/08	at Denver Broncos	3:05 PM	CBS*
L 21 - 22	12/14/08	San Diego Chargers	12:00 PM	CBS*
L 31 - 38	12/21/08	Miami Dolphins	12:00 PM	CBS*
L 6 - 16	12/28/08	at Cincinnati Bengals	12:00 PM	CBS*

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Exhibit 2

<http://www.nfl.com/news/story?id=09000d5d303d660e&template=without-video&confirm=true>

NFL recognizes Veterans Day and honors armed services in November

National Football League

Clubs honor veterans with special pregame ceremonies and team community outreach

The National Football League will honor veterans and members of the military during November, with teams designating home games as special Veterans Recognition games throughout the month. The NFL has a long history of supporting America's armed services, including a 42-year partnership with the USO that includes overseas visits to troops and trips to military hospitals nationwide.

The National Football League will honor veterans and members of the military during November, with teams designating home games as special Veterans Recognition games throughout the month. The NFL has a long history of supporting America's armed services, including a 42-year partnership with the USO that includes overseas visits to troops and trips to military hospitals nationwide.

Teams and officials will honor veterans and the armed services with a number of pregame and in-stadium initiatives:

» **Officials' "Remembering Our Troops Campaign":** Game officials will continue their visits to military hospitals in recognition and support of the armed forces. Traveling to bases on Saturdays in their signature black and white uniforms, the officials spend time with injured soldiers, in partnership with the USO. The "Remembering Our Troops Campaign" began with officials visiting injured soldiers at Ramstein Air Base in Germany last summer, and will include eight hospital visits during the 2007 season.

» **Military Flyovers:** Teams will orchestrate pregame flyovers by military personnel, many of whom will be introduced to the crowd later in the games. The Broncos will host the Wings of Blue Parachute Team for a flyover, while the Chiefs will recognize PAUL BOSWORTH, a local Kansas City resident who was a POW in Europe during World War II.

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» **Recognition of Local Families and Veterans:** The Packers will host a special pregame ceremony for the families of local military members currently serving overseas. The Seahawks and Cardinals will honor Purple Heart recipients during their games, while the Jets will welcome the mother and brother of Long Island LT. MICHAEL MURPHY, a Medal of Honor recipient, for an honorary pregame coin toss. Three hundred NASA/Kennedy Space Center personnel will attend the Dolphins' "Salute to America's Heroes" game, featuring Apollo 14 astronaut EDGAR MITCHELL and Apollo 15 astronaut COL. AL WORDEN. The Bills will present a special team jersey to a U.S. ARMY STAFF SGT. DAVID BELLAVIA, recipient of the Silver and Bronze Star and the Conspicuous Service Cross. As part of the Ravens' Veterans Day tribute, the team will establish live video contact with "Task Force Raven," Maryland National Guard Unit (58th IBCT) stationed in Baghdad.

» **Flag and National Anthem Ceremonies:** Teams will work with local military personnel for special flag unfurling presentations and national anthem performances at the start of their games. The anthem will be sung at an upcoming Chiefs game by RICHARD GIBSON, a local Marine who was quoted in a Kansas City paper as saying that his dream would be to perform at a Chiefs game. The Browns will welcome the Cleveland Opera to sing the anthem at their Veterans Day Salute game, and a naval officer will perform at an upcoming Giants game.

» **Halftime Marching Band Presentations:** Clubs will host local military marching bands and color guards for special halftime shows and tributes to all branches of the armed forces.

» **Visits to Local Veterans' Homes:** Teams, including the Vikings, will spend time at veterans' homes, visiting with the residents and honoring their service. Players from the Buccaneers also will make their monthly visit to the James A. Haley Veterans' Hospital in Tampa. Eagles players will travel to the Philadelphia VA Medical Center along with their team mascot and cheerleaders, while the Titans will visit a local veterans' hospital.

» **Operation Welcome Home and Wounded Warriors:** The Panthers will team up with Operation Welcome Home to provide surprise visits for military personnel returning from service in Iraq and Afghanistan. Both the Panthers and the Jets will work with the Wounded Warriors Project to host veterans at home games and give them special stadium tours and VIP access.

The NFL also will salute the Army with in-game public service announcements during the weekend of November 11-12.

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Exhibit 3

<http://www.kcchiefs.com/military/>



The Kansas City Chiefs want to invite all members of the Armed Forces (Active duty, National Guard, Reserve, and Veterans) and their families to Arrowhead Stadium for the Tampa Bay Buccaneers game on November 2nd for **MILITARY APPRECIATION DAY!** For this special day only we are offering all members of the Military the significant benefit of purchasing \$35 tickets. As part of this offer, you will be honored throughout the game, witness a flyover and enjoy halftime entertainment including a US Army induction ceremony.

In addition, you will receive the benefit of purchasing tickets to all other available home games at the group ticket price - \$59 for Red Reserve (\$5 per ticket savings) and \$41 for Red View. As part of this offer, you will also receive up to a \$7 per ticket discount on service, handling and credit card fees. There are a limited number of tickets available for these offers!

MILITARY APPRECIATION DAY OFFER INCLUDES:

Military Appreciation Day Discounted Tickets

- \$35 (Red Reserve - upper level)
- To purchase tickets for Military Appreciation Day and all other Chiefs home game click here: <https://oes.ticketmaster.com/html/go.htm?I?I=EN&t=chiefs&o=12135137&g=503> and enter promotion code: **military**
- To purchase tickets for all remaining Chiefs home games click here: <https://oes.ticketmaster.com/html/go.htm?I?I=EN&t=chiefs&o=12135137&g=505> and enter promotion code: **military**
- As part of this offer, you will also receive up to a \$7 per ticket discount on service, handling and credit card fees.
- To purchase tickets as a group or for more information contact Todd Macklin at 816-920-4836 or tmacklin@chiefs.nfl.com to be seated together!
- The Chiefs can help you set up a customized tailgate party for your group.

Questions? Please contact Todd Macklin at 816-920-4836 or tmacklin@chiefs.nfl.com

The Chiefs want to ensure that everyone has the opportunity to experience Arrowhead in 2008. Please forward this information to friends and other members of the military.

It's time to break out your Chiefs Jersey, dust off that tailgating grill and most importantly, practice your game face. The Kansas City Chiefs Football Season is here and you don't want to miss the chance to see Larry Johnson, Tony Gonzalez, top draft picks Glenn Dorsey and Branden Albert and the rest of the team light up the field. **2008 Awaits...Join Us!**

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